

BILLS SUPPLEMENT

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PARTIES

Bill No. 22 National Council for Disability Bill 2002

THE NATIONAL COUNCIL FOR DISABILITY BILL, 2002

MEMORANDUM.

The object of this Bill is—

1. To establish a National Council for Disability and to provide for its composition, functions and administration;
2. To provide for District and Sub-county Councils for Disability as well as their composition, functions and administration; and
3. To generally advocate for the promotion of the rights of persons with disabilities as set out in the Constitution and international conventions and to provide for other connected matters.

**HON DR. ALEX KAMUGISHA,
Minister of State for Youth and Children,
Holding Portfolio for Minister of Gender,
Labour and Social Development.**

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THE NATIONAL COUNCIL FOR DISABILITY BILL, 2002.

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A BILL for an Act

ENTITLED

THE NATIONAL COUNCIL FOR DISABILITY ACT, 2002.

An Act to provide for the establishment of a National Council for Disability, its composition, functions and administration; for the creation of District and Subcounty Councils for Disability, for the promotion of the rights of persons with disabilities set out in international conventions and the Constitution and for other connected matters.

PART I—PRELIMINARY.

BE IT ENACTED by Parliament as follows:

1. This Act may be cited as the National Council for Short title. Disability Act, 2002.
2. In this; Act unless the context otherwise states—
“coping with disability” means being able to adopt to the limitations resulting from disability and the social, physical, political and economic environment;

Inter-
pretation.

“Council” means the National Council for Disability established by section 3 of this Act;

“disability” means lack or restriction of ability caused by impairment to perform any activity in a manner or within the range considered normal for a human body;

“equalisation of opportunities” means the process through which the various systems of society and the environment, such as services, activities, information and documentation, are made available to all, particularly to persons with disabilities without bias;

“Minister” means the Minister responsible for disability affairs;

“NGO” means Non-Governmental Organisation;

“Secretariat” means the Secretariat established under section 13 of this Act;

“Standard Rules on the Equalisation of Opportunities for persons with disabilities” means The United Nations vision on how services can be extended to persons with a disability adopted by the United Nations General Assembly at its 48th session on 20th December, 1993 in its resolution 48/96.

PART II—ESTABLISHMENT, FUNCTIONS AND COMPOSITION OF THE COUNCIL.

Establish-
ment of
Council.

3. (1) There is established a Council to be known as the National Council for Disability.

(2) The Council shall be a body corporate with perpetual succession, a common seal and may sue or be sued in its corporate name.

(3) The Council may, for and in connection with its objectives and functions under this Act, purchase, hold, manage and dispose of any property, whether movable or immovable, and may enter into any contract and any other transaction as may be expedient, and may do any act or thing that is lawfully done by a body corporate.

4. (1) The seal of the Council shall be kept under the custody of the Secretary General and shall be authenticated by the signature of the Chairperson of the Council and the Secretary General.

Seal of the Council.

(2) A document purporting to be an instrument issued with the seal of the Council and authenticated in the manner provided under subsection (1) shall be deemed to be a document of the Council and shall be admissible in evidence without further proof, except where the contrary is shown.

5. The objectives of the Council are—

Objectives of the Council.

- (a) to promote and implement the equalisation of opportunities for persons with disabilities;
- (b) to monitor service delivery for persons with disabilities;
- (c) to advocate for and promote effective services and collaboration between stakeholders;
- (d) to advocate for the reviewing of existing laws with a view to complying with the equalisation of opportunities as stipulated in the United Nations Standard Rules on the Equalisation of opportunities, and in particular Article 32 of the Constitution.

6. The functions of the Council are—

Functions of the Council.

- (a) to act as a body at a national level through which the needs, problems and concerns of persons with disabilities can be communicated to Government and its agencies for action;

- (b) to monitor and evaluate the extent to which Government, NGOs and the private sector include the needs of persons with disabilities in their planning and service delivery;
- (c) to act as a co-ordinating body between Government and all stakeholders in the disability movement;
- (d) to solicit for and acquire funds and other resources from Government and donors for use in the performance of the Council's functions;
- (e) to support, promote and encourage activities undertaken by institutions, organisations and individuals for the promotion and development of programmes and projects designed to improve the lives and situation of persons with disabilities;
- (f) to intervene in any matter that violates the rights of persons with disabilities and recommend appropriate action;
- (g) to provide a platform for persons with disabilities and stakeholders to regularly meet at least once in a year to evaluate the performance of the Council; and
- (h) to perform any other functions relating to the above as the Minister may determine.

**Composition
of the
Council.**

7. (1) The Council shall be composed of the following members to be appointed by the Minister—

- (a) a representative from the following Ministries of not below the rank of Head of Department—
 - (i) Ministry responsible for local governments;
 - (ii) Ministry responsible for finance and economic development;

- (iii) Ministry responsible for health;
- (iv) Ministry responsible for education and sports; and
- (v) Ministry responsible for gender, labour and social development;

(b) five regional representatives of persons with disabilities; and

(c) two parents of children with mental impairment, one of whom shall be a female.

(2) The Council may co-opt not more than three persons at a time who are knowledgeable in disability issues and committed to the disability movement as and when it deems necessary.

(3) At least one third of the members of the Council shall be female.

8. A member of the Council shall hold office for a period of three years and is eligible for re-appointment for one more term.

Tenure of office of members of Council.

9. (1) The Minister shall appoint a Chairperson of the Council from one of the members appointed under section 7.

Chairperson of the Council.

(2) The Chairperson shall hold office for three years and is eligible for reappointment for one more term only.

(3) The Chairperson—

(a) may resign his or her office as Chairperson by notice in writing addressed to the Minister;

(b) may be removed by the Minister from office as Chairperson if requested to do so by a resolution of the Council supported by not less than two-thirds of the members of the Council;

(4) Any member of the Council may be removed by the Minister for—

(a) misbehaviour; or

(b) proven inability to perform the functions of his or her office by reason of infirmity of mind or body or for any other sufficient cause.

Remuneration
of
members.

10. A member of the Council, and any person co-opted to any meeting of the Council, may be paid such remuneration or allowances and at such rate as the Minister may determine after consultation with the Minister responsible for finance.

Meetings of
the Council.

11. The provisions of the Schedule to this Act shall have effect with regard to meetings of the Council.

Committees
of the
Council.

12. (1) The Council may establish the following committees for the efficient performance of its functions under this Act—

(a) a committee on finance, policy and planning;

(b) a committee on empowerment, advocacy and communication;

(c) a committee on social services;

(d) a committee on coordination, monitoring, and evaluation; and

(e) a committee on research and data management.

(2) The Council may establish such other committees as it may deem necessary for the efficient performance of its functions under this Act.

(3) The Council may prescribe the procedure for meetings of its committees.

(4) The Council may delegate any of its functions to any of the committees as it may consider fit and subject to such conditions as it may determine.

PART III—THE SECRETARIAT.

13. (1) The Council shall have a Secretariat headed by a Secretary General who shall be appointed by the Minister on the advice of the Council.

Secretariat
and
Secretary
General.

(2) Subject to the provisions of this Act, the Secretary General shall hold office on a full-time basis and on such terms and conditions as shall be specified in the instrument of his or her appointment.

(3) The Secretary General may resign office in writing addressed to the Minister through the Council, not less than one month before he or she intends to resign office.

(4) The Minister may, on the advice of the Council and after giving him or her one month's notice in writing, remove the Secretary General from office for misbehaviour or inability to perform the functions of his or her office.

(5) Notwithstanding the provisions of subsection (3), the Secretary General shall not be removed from office under this section for inability to perform the functions of his or her office as result of infirmity of body or mind unless the Council, in consultation with a qualified medical doctor, certifies that he or she is unable to perform the functions of his or her office.

14. (1) The Secretary General shall be the Chief Executive and accounting officer of the Council.

Functions of
Secretary
General.

(2) Subject to the general control of the Council, the Secretary General shall—

(a) be the secretary at any meeting of the Council and shall keep a record of the minutes of the meetings; and

(b) perform such other functions as may be assigned to him or her by the Council.

(3) In the absence of the Secretary General, the Council may designate the next senior qualified officer of the Secretariat to act as Secretary General and in the event of continued absence without justifiable cause, the position shall be filled within two months from the date the Secretary General was last in office.

15. The Council shall pay to the Secretary General and other staff such remuneration and allowances as it deems reasonable and shall grant pension or retirement benefits or gratuity to them at such rates as the Council shall determine after consultation with the Minister responsible for finance and the Minister responsible for public service.

16. (1) The Council shall have such other officers and employees in the Secretariat as the Council may with the approval of the Minister, determine.

(2) The terms and conditions of service of the Secretary General, officers and employees of the Council shall be determined by the Council and approved by the Minister.

17. (1) The Council may, acting on the advice of the Secretary General, engage the services of experts and consultants when necessary.

(2) The experts and consultants engaged under this section may be paid fees and allowances and granted such facilities as may be determined by the Council.

PART IV—DISTRICT AND SUBCOUNTY COUNCILS FOR DISABILITY.

18. (1) The Chairperson of a District Council shall appoint members to the District Council for Disability to serve for a period of three years.

(2) The District Council for Disability shall consist of five members namely—

Remuneration of
Secretary
General and
other staff.

Other Staff.

Experts and
consultants.

District
Council for
Disability.

- (a) the District Rehabilitation Officer who shall be the Secretary;
- (b) two District Councillors for disability, one of whom shall be a female;
- (c) one person of proven integrity who is involved in the promotion and advancement of the disability movement; and
- (d) a parent of a child with a mental impairment.

(3) The Chairperson of a District Council shall appoint one of the members of the District Council for Disability as Chairperson of the District Council for Disability and the person appointed shall be a person with a disability.

19. The functions of the District Council for Disability are—

Functions of
District
Council for
Disability.

- (a) to coordinate and monitor the implementation of policies and programmes for persons with disabilities in the District;
- (b) to promote and advocate for the integration of services for person with disabilities in the District Plan of Action;
- (c) to advocate for the implementation of national policies on disability in the District;
- (d) to submit reports on the situation of persons with disabilities in the District to the National Council for Disability twice a year, and
- (e) to perform any other function that may enhance the wellbeing of persons with disabilities in the District.

20. (1) The Chairperson of a Sub-county Council shall appoint members to the Sub-county Council for Disability who shall serve for a period of three years.

(2) The Subcounty Council for Disability shall consist of the following—

- (a) the Community Development Assistant responsible for disability, who shall be the Secretary;
- (b) two Councillors for disability at sub-county level, one of whom shall be female;
- (c) one person of proven integrity and commitment to the disability movement;
- (d) one parent of a child with mental impairment.

21. The functions of a Sub-county Council for Disability are—

- (a) to coordinate and monitor the implementation of policies and programmes for persons with disabilities in the Sub-county;
- (b) to promote and advocate for the integration of services for persons with disabilities in the Sub-county Plan of Action;
- (c) to advocate for the implementation of District policies on disability in the Sub-county;
- (d) to submit reports on the situation of persons with disabilities in the Sub-county to the District Council for Disability twice a year; and
- (e) to perform any other function that will enhance the wellbeing of persons with disabilities in the Sub-county.

(2) The Chairperson of a Sub-county shall appoint a chairperson of the Sub-county Council on Disability from one of the members of that council and he or she shall be a person with disability.

22. Members of the District and Sub-county Councils for Disability and persons co-opted to any meeting of the Councils may be paid such remuneration or allowances at such rates as the District Council or Sub-county Council may determine in accordance with Local Government financial regulations.

Remuner-
ation of
members of
District and
Sub-county
Councils for
Disability.

23. (1) The District and Sub-county Councils for Disability shall each meet at least once in four months for the discharge of their functions.

Meetings of
District and
Sub-county
Councils for
Disability.

(2) The District and Sub-county Councils for Disability shall each determine the procedure for their meetings.

PART V—FINANCIAL PROVISIONS.

24. (1) The funds of the Council shall consist of—

Funds of the
Council.

- (a) grants from the Government;
- (b) loans from Government or from any person or organisation within or outside Uganda;
- (c) any sums that may become payable to the Council in the discharge of its functions under this Act; and
- (d) grants, gifts and donations that may be received by the Council from any source within or outside Uganda.

(2) All income and moneys of the Council shall be deposited to the credit of the Council in a bank approved by the Minister and shall not be withdrawn except with the approval of, and in the manner determined by the Council.

Borrowing powers.

25. (1) The Council may, with the prior approval of the Minister and after consultation with the Minister responsible for finance, borrow by way of overdraft or otherwise from a bank or any other source, such sums as may be necessary for meeting the obligations of the Council.

• (2) The Council may, with the prior approval of the Minister for the purpose of any borrowing under sub-section (1) mortgage, pledge or, charge any asset or property of the Council.

Estimates of income and expenditure.

26. (1) The Council shall within three months before the end of each financial year, cause to be prepared and submitted to the Minister for submission to the Minister responsible for finance for his or her approval, estimates of the income and expenditure of the Council for that financial year.

(2) No expenditure shall be made out of the funds of the Council unless the expenditure has been approved by the Minister.

Financial year of the Council.

27. The financial year of the Council shall be, in respect of the first accounting period, the period starting from the date of the commencement of this Act and ending on the 30th day of June the following year, and in respect of any subsequent accounting period, the period of twelve months ending on the 30th June.

Accounts.

28. (1) The Council shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any directions that may be given by the Minister responsible for finance, the Council shall cause to be prepared a report on the performance of the Council during the financial year comprising—

(a) a balance sheet, a statement of income and expenditure and a statement of surplus and deficit; and

(b) any other information in respect of the financial affairs of the Council as the Minister responsible for finance may require.

29. (1) The accounts of the Council shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by him or her.

Audit.

(2) The Council shall ensure that within four months after the expiry of each financial year, a statement of accounts described in section 28 is submitted to the Auditor-General for auditing.

(3) The Auditor-General and any auditor appointed by him or her shall have access to all books of accounts, vouchers and other financial records of the Council and shall be entitled to have any information and explanation required by him or her in relation to the above documents as he or she may deem fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2), audit the accounts and deliver to the Council a copy of the audited accounts together with his or her report on them, stating any matter which in his or her opinion should be brought to the attention of the Minister.

(5) The Auditor-General shall also deliver to the Minister a copy of the audited accounts together with his or her report on them.

30. Any funds of the Council not immediately required under this Act shall be invested in such a manner as the Council may, with the approval of the Minister, and after consultation with the Minister responsible for finance, determine.

Investment of funds.

PART VI—MISCELLANEOUS.

31. A member of the Council or an employee of the Council acting on its behalf shall not be personally liable for any act done by him or her in good faith for the purpose of carrying into effect the provisions of this Act.

Protection of members of the Council and staff from civil action.

32. (1) The Council shall, within three months after the end of each financial year, submit to the Minister a report on the activities of the Council in respect of that financial year and the report shall include its achievements during that financial year and its future plans.

(2) The Council shall submit the same report to Parliament for discussion.

33. The Minister may, after consultation with the Council, by statutory instrument, make regulations for the better carrying into effect the provisions of this Act.

34. The Minister may on the recommendation of the Council by statutory instrument amend the Schedule to this Act.

SCHEDULE.

MEETINGS OF THE COUNCIL

(SECTION 11).

1. (1) The Chairperson shall convene every meeting of the Council. Meeting of the Council.

(2) The Council shall meet for the transaction of its business at times and places that may be decided upon by the Council but shall meet at least once every three months.

(3) The Chairperson or, in the absence of the Chairperson, a member elected by the Council to act as Chairperson may, at any time, call a special meeting of the Council or call a special meeting upon a written request by a majority of the members of the Council.

(4) The Chairperson shall preside at all meetings of the Council and in his or her absence, the members present may elect a member from among themselves to preside at that meeting.

(5) The Council may co-opt any person who is not a member to attend any of its meetings as an advisor or consultant and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

2. The quorum at a meeting of the Council shall be six members. Quorum.

3. Questions proposed at meetings of the Council shall be by consensus and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his or her deliberative vote. Decisions of the Council.

4. (1) A member of the Council who has pecuniary interest in a matter being considered by the Council shall, as soon as possible after relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Council. Disclosure.

(2) A disclosure of interest under subparagraph (1) shall be recorded in the minutes of the meeting of the Council and the member making the disclosure shall not, unless the Council otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the Council;
- (b) take part in the voting on the decision by the Council on the matter.

(3) For the purpose of the making of a decision by the Council under subparagraph (1), the member who has made the disclosure shall not—

- (a) be present during the deliberations of the Council for the making of the decision;
- (b) influence any other member or take part in the making of the decision by the Council.

5. (1) The Council shall cause the minutes of the proceedings of its meeting to be recorded and kept and the minutes of each meeting shall be approved by the Council at the next meeting and shall be signed by the Chairperson of the meeting.

(2) The Chairperson of the Council shall submit to the Minister a copy of the minutes of each meeting of the Council as soon as the minutes have been approved.

6. Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

Minutes of
proceedings.

Council to
regulate
proceedings.